

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR PRESIDENT, INC., et al.,	:	No. 4:20-cv-02078-MWB
Plaintiffs,	:	<i>(filed electronically)</i>
v.	:	
KATHY BOOCKVAR, et al.,	:	
Defendants.	:	

**MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN
SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

1. The Movant, the Pennsylvania Senate Republican Caucus (hereafter, the Caucus), by and through its undersigned counsel, seeks leave to participate in this case as Amicus Curiae in support of the Plaintiffs' motion for preliminary injunction.

2. The Caucus is one of two subparts of the Pennsylvania Senate (the part other being the Senate Democratic Caucus) and is an "integral constituent of the Senate." *See Precision Mktg., Inc. v. Com., Republican Caucus of the Sen. of PA/AKA Sen. of PA Republican Caucus*, 78 A.3d 667, 675 (Pa. Cmwlth. 2013). The Caucus was created

with the Senate’s constitutional authority under Article II of the Pennsylvania Constitution, and it performs “essential legislative functions and administrative business in the Senate.” *See id.* at 671-75. The Caucus is composed of all Republican Senators in the Pennsylvania Senate, *see id.* at 672, who presently number 28 Senators (out of 50 total Senators, Pa. Const. art. II, § 16).

3. This case involves, in part, a fundamental state constitutional question relating to the guarantee secrecy in voting, as set forth in Article VII, Section 4 of the Pennsylvania Constitution. Pa. Const. art. VII, § 4 (“All elections by citizens shall be by ballot by such other method as may be prescribed by law: Provided, that secrecy in voting be preserved.”).

4. Certain counties in the Commonwealth inspected mail-in ballots cast in the 2020 Presidential Election and notified electors whose mail-in-ballots lacked a secrecy envelope in order to allow those electors to “cure” the invalid ballot.

5. This conduct of inspecting mail-in ballots to allow for “curing” deficiencies compromised the electoral process and the secrecy

guaranteed under Article VII, Section 4 of the Pennsylvania Constitution.

6. Given the integral role of the Caucus in enacting the legislation governing the election process, the Election Code, the Caucus has a unique interest in ensuring that the election process adheres to the requisite constitutional requirements.

7. To that end, the Caucus seeks to submit a Brief, attached hereto as Exhibit A, detailing the negative impact to the electoral process from the conduct of “curing” invalid mail-in-ballots.

WHEREFORE, the Caucus requests that this Court grant this Motion for Leave to Participate as Amicus Curiae, and accept and consider the Brief attached hereto during the disposition of this proceeding.

Respectfully submitted,

Dated: November 12, 2020

/s/ Matthew H. Haverstick

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CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

Pursuant to Local Rule 7.1, I hereby certify that on November 12, 2020, I sought the concurrence of the parties in the present motion. Counsel for Plaintiffs concurs. Counsel for all other parties do not concur.

/s/ Matthew H. Haverstick

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Motion to be served via the Court's CM/ECF system.

/s/ Matthew H. Haverstick